

**ENTERED**

July 18, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

ERNESTO BENAVIDES, JR.,  
Plaintiff,

v.

OMAR LUCIO, et al.,  
Defendants.

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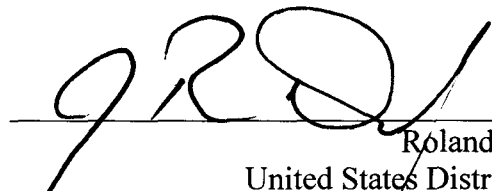
Civil Action No. 1:18-cv-00159

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the "Magistrate Judge's Report and Recommendation" ("R&R") (Docket No. 45). The R&R recommended granting Defendant's Motion to Dismiss (Docket No. 23), and dismissing as moot Ernesto Benavides, Jr.'s ("Plaintiff") "Motion Requesting Appointment of Counsel to Conduct Deposition" (Docket No. 27). Plaintiff timely filed his "Objection to Magistrate Judge's Report and Recommendation" ("Plaintiff's Objections") (Docket No. 48).

After a *de novo* review of the file, the R&R is hereby **ADOPTED**. Plaintiff's Objections are **OVERRULED**, Plaintiff's Motion to Appoint Counsel is **DISMISSED AS MOOT**, and it is **ORDERED** that Plaintiff's claims against Defendants are hereby **DISMISSED WITH PREJUDICE**. The Clerk of Court is **ORDERED** to close this case.

Signed on this 18<sup>th</sup> day of July, 2019.

  
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Rolando Olvera  
United States District Judge